

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE
APPLICATION FOR CHANGE
OF ZONE NUMBER 73-53 BY
MELVIN AND DONNA FOWLER

O R D E R

This matter having come on for hearing upon the application of Melvin and Donna Fowler for a change of zone, said change application being numbered Zone Change 73-53 and said application having been requested from RA (Residential Agricultural) zone to C-4 (Commercial Central Business District) zone and said application having been heretofore recommended for disapproval by the Klamath County Planning Commission, a description of the real property referred to in said application being Lots 18 and 19 of Poole Homesites, Klamath County, Oregon, and a public hearing on said application having been regularly held on June 27, 1973 before said Board of Commissioners, and it appearing to the Board of Commissioners from the testimony, reports, and information produced at said hearing by the applicant, interested parties, the Planning Commission and Planning Department, that the application should be disapproved, the Board of Commissioners makes the following findings:

1. That the Klamath County Planning Commission has held a public hearing on said Zone Change and has made the following findings in which said Board of County Commissioners concurs as required by Ordinance Number 17, the same being the Klamath County Zoning Ordinance:

- a. The property affected by the change of zone is not adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
- b. The property affected by the proposed change of zone is not properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
- c. The proposed change of zone will have adverse effects on other property and the permitted uses thereof, within a seven (700) foot radius excluding highways and rights-of-way; and

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d. That the proposed change of zone is not in keeping with any land use plans duly adopted and does not, in effect, represent the highest, best and most appropriate use of the land affected; and

2. That in addition thereto said Board of County Commissioners further finds that:

a. Applicant has not adequately demonstrated a public need for such drastic change of zone; and

b. Applicant has not demonstrated that said real property is best suited among available alternative properties to meet applicant's need; and

c. Applicant has not provided evidence establishing the use of the property for commercial automotive or truck repairing prior to the establishment of county-wide zoning, including the applicant's property, on December 7, 1972, and as a matter of fact from testimony at the hearing it was established applicant did not take possession of the said premises until December 15, 1972; and

3. That the application is not consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text; NOW, THEREFORE,

IT IS HEREBY ORDERED THAT THE application of Melvin and Donna Fowler for a change of zone from RA (Residential Agricultural) zone to C-4 (Commercial General Business District) zone, a particular description of the real property referred to in said application being Lots 18 and 19 of Poole Homesites, Klamath County, Oregon, said change application being numbered Zone Change 73-53 is hereby disapproved.

Dated this 11th day of July 1973.

Lloyd Giff
Chairman of the Board

R. Pyle
County Commissioner

Raymond Williams
County Commissioner

Approved as to form

Harry D. Boivin
Harry D. Boivin, Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS
this 11th day of JULY A. D., 1973 at 11:42 o'clock A M., and duly recorded in
Vol. 73 of DEEDS on Page 8840

NOTE

WM. D. MILNE, County Clerk
Wm. D. Milne